



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )

MULLET et al. )

Serial No. 10/828,949 )

Filed April 21, 2004 )

Date of Mailing of PTOL-85: )  
November 27, 2007 )

Confirmation No.: 7173 )

For DOOR OPERATOR SYSTEM )

Group Art Unit 3634

REDMAN, Jerry E., Examiner

**Certificate of Mailing**

I hereby certify that this correspondence was deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of February, 2008.

Michelle L. Garro, Sec'y to Andrew B. Morton

**TRANSMITTAL SHEET**

Enclosed are the following documents:

Form PTOL-85 (*in duplicate*)

Form PTO-2038 Credit Card Authorization

Letter to the Commissioner regarding Inventorship (*w/attached Certificate of Mailing*)

Copy of Petition to Add Inventor as filed 9/26/05 (and supporting Documents)

Return Receipt Postcard

**The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number WAY.P.US0071 for billing purposes.**

Respectfully submitted,

Andrew B. Morton, Reg. No. 37,400  
Renner, Kenner, Greive, Bobak,  
Taylor & Weber  
First National Tower, Fourth Floor  
Akron, Ohio 44308-1456  
Telephone: (330) 761-6670  
(330) 376-1242

Attorney for Applicants

Attorney Docket No: WAY.P.US0071



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Michelle L. Garro, Sec'y to Andrew B. Morton

**LETTER TO THE COMMISSIONER  
REGARDING INVENTORSHIP**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

An Amendment to Add Inventor for the subject application was filed on September 26, 2005. Briefly, this Amendment was filed to add an inventor -- David B. Davies--. Copies of all of the papers filed with this Petition are attached for REFERENCE PURPOSES ONLY.

The Examiner for this application, Mr. Jerry Redman, has advised that the Amendment has been approved but formal documentation has not been received from the Patent Office. The patent should issue listing the inventors MULLET, KYLE and DAVIES. Any questions regarding the listing of inventors should be directed to the undersigned Attorney.

Should any questions be raised regarding the filing of these documents, a telephone call to the undersigned attorney would be greatly appreciated.

Respectfully submitted,



Andrew B. Morton, Reg. No. 37,400

Renner, Kenner, Greive, Bobak,  
Taylor & Weber  
First National Tower, Fourth Floor  
Akron, Ohio 44308-1456  
Telephone: (330) 761-6670  
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Attorney for Applicants

Attorney Docket No: WAY.P.US0071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )

WILLIS J. MULLET and )  
DONALD B. KYLE )


Serial No. 10/828,949 )

Filed: April 21, 2004 )

For: DOOR OPERATOR )  
SYSTEM )

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a copy of this correspondence was deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 26th day of September, 2005.

  
Phillip L. Kenner Reg. No. 22,353

Attorney Docket No. WAY.P.US0071

**STATEMENT OF NO DECEPTIVE INTENT  
BY ADDED INVENTOR  
37 C.F.R. § 1.48(a)(1)**

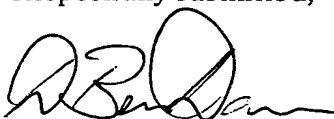
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COPY  
AS FILED**

Sir:

I was erroneously omitted from the declaration filed on April 21, 2004, for Application Serial No. 10/828,949, entitled "Door Operator System." This error occurred without any deceptive intention on my part.

Respectfully submitted,



David Benjamin Davies  
3378 Indian Hills Drive  
Pace, Florida 32571  
Santa Rosa County  
citizen of the U.S.A.

Date: 9/20/05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )

WILLIS J. MULLET and )  
DONALD B. KYLE )

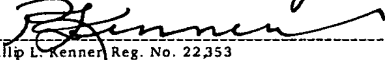
Serial No. 10/828,949 )

Filed: April 21, 2004 )

For: DOOR OPERATOR )  
SYSTEM )

CERTIFICATE OF MAILING

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Philip L. Kenner Reg. No. 22,353

Attorney Docket No. WAY.P.US0071

**ASSENT OF ASSIGNEE TO ADDITION OF INVENTOR**  
**37 C.F.R. § 1.48(a)(4)**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COPY**  
**AS FILED**

Sir:

Wayne-Dalton Corp., a corporation of the State of Ohio, having a place of business at One Door Drive, P.O. Box 67, Mt. Hope, Ohio 44660, United States of America, states that:

it is the assignee of the entire right, title, and interest in patent application serial no. 10/828,949, entitled "Door Operator System" and filed on April 21, 2004, by virtue of an assignment from the inventors of the patent application identified above, which was submitted for recordation in the United States Patent and Trademark Office on April 21, 2004, and the assignment by David B. Davies submitted herewith. A copy of the Assignment and Assignment Cover Sheet recorded at Reel 015255 and Frame 0770-0773 on April 21, 2004, is attached.

Assignee Wayne-Dalton Corp. hereby assents to the correction of inventorship filed herewith, which amends the inventorship to add previously unnamed inventor David B. Davies.

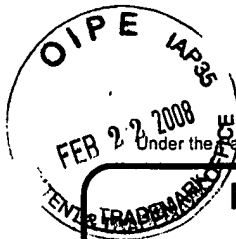
The undersigned is authorized to act on behalf of the assignee.

WAYNE-DALTON CORP.

9/20, 2005

By: 

Willis J. Mullet  
CEO



**COPY  
AS FILED**

PTO/SB/171 (04-05)

Approved for use through 07/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PROCESSING FEE  
Under 37 CFR 1.17(i)  
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/828,949
Filing Date	April 21, 2004
First Named Inventor	Willis J. Mullet
Art Unit	
Examiner Name	
Attorney Docket Number	WAY.P.US0071

Enclosed is a paper filed under 37 CFR 1.48 that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-0987:

☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

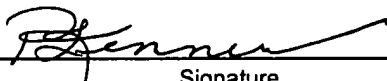
☒ Check in the amount of \$ 130.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

  
\_\_\_\_\_  
Signature  
Phillip L. Kenner  
\_\_\_\_\_  
Typed or printed name

September 26, 2005  
\_\_\_\_\_  
Date  
22,353  
\_\_\_\_\_  
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.